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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/640,805	08/17/2000	Yushi Ihara	450100-02652	6208

20999 7590 08/10/2005
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745 FIFTH AVENUE- 10TH FL.
NEW YORK, NY 10151

EXAMINER

BRINICH, STEPHEN M

ART UNIT PAPER NUMBER

2624

DATE MAILED: 08/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
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09-640805

EXAMINER

ART UNIT	PAPER
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20050804

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

Office Action Summary

Application No.

09/640,805

Applicant(s)

IHARA, YUSHI

Examiner

Stephen M. Brinich

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
2. Claims 1-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Fukunaga et al.

Re claims 1, 3, 5, 7, 9, 11, & 13-14, Fukunaga et al discloses an image processing arrangement in which an image generator (Figure 1A, digital video camera 101) produces desired still image data corresponding to image data inputted from outside, a printing control information generator (Figure 34, register 43-1 - 43-3; Figure 37, Printer Common Register Group 44-3; column 22, lines 36-65; column 24, line 30 - column 25, line 5) for generating still image data and printing control information including printing position information (in Figure 37, the elements "page-margin" and "page-offset" inherently control the position the printed elements will occupy on a page with a given margin and offset) for controlling a printing device, and an output (Figure 1A, 1394 serial bus) for communicating the printing control information and the still image data generated by said image processing means in a packet pursuant to the IEEE 1394 standard for output to a printing device (inherent from printer 102 and digital video camera 101

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being connected via a 1394 serial bus, as described at column 6, lines 23-27). The printing control information is conveyed by an AV/C command set consistent with an FCP (function control protocol) (column 17, line 61 - column 18, line 3).

Further re claims 13-14, Fukunaga et al discloses (Figure 2, column 7, lines 35-38) the implementation of the printer control and communication protocol in a software program (which is necessarily stored in a medium readable by the implementing control hardware).

Re claims 2, 4, 6, 8, 10, & 12, the printing control information includes printing layout information (e.g. column 24, lines 63-65, "Set-Format"; Figure 37, "paper-size").

Response to Arguments

3. Applicant argues (4/18/05 Remarks: page 8, line 12 - page 9, line 6) that the art of record (specifically, Fukunaga et al) fails to teach or suggest the element of outputting printing control information and *subsequently* outputting image data.

However, the register 44-3 (Figure 37) containing the elements "page-margin" and "page-offset" (which are items of printing control information) is disclosed by Fukunaga et al as a *read-only register* (Figure 35; column 22, lines 49-57). By definition, a "read-only register" stores fixed information that is not changed during normal device operation. Thus, the

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contents of register 44-3 are not written during the "format frame" step shown in Figure 34 Fukunaga et al (subsequent to the "data frame" step of that figure in which image data is transferred), but rather during the initial setting of the read-only register (i.e. prior to all the operations shown in Figure 34 of Fukunaga et al, including the "data frame" step of that figure in which image data is transferred). Thus, the "data frame" step of transferring image data will be subsequent to the setting of the printing control information contained in register 44-3.

Conclusion

4. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

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If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Hand-carried correspondence may be delivered to the Customer Service Window, located at the Randolph Building, 401 Dulany Street, Alexandria, VA 22314.

A handwritten signature in cursive script that reads "Stephen Brinich".

Stephen M Brinich
Examiner
Art Unit 2624

smb
August 5, 2005